

REMARKS

The Examiner is thanked for the performance of a thorough search.

Claims 1-2, 6-26, and 30-36 are canceled. Claims 27-29 have been amended. Hence, Claims 3-5 and 27-29 are pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 27-29 were rejected under 35 U.S.C. § 101.

Claims 3-5 and 27-29 were rejected under 35 U.S.C. § 102(e) as being anticipated, allegedly, by U.S. Patent No. 6,185,208 (“Liao”).

CLAIM REJECTIONS—35 U.S.C. § 101

Claims 27-29 have been amended to recite a “**tangible** computer-readable medium” as the Examiner suggested. Withdrawal of the rejections under 35 U.S.C. § 101 is requested.

CLAIM REJECTIONS—35 U.S.C. § 102

Claim 3 requires, among other features, that “**the device profile information includes a buffer size describing a number of characters the mobile device can receive on input without loss of data.**” The Office Action alleges that Liao’s “account information storage area 610” is analogous to “the device profile information” of Claim 3.

However, Liao never discloses, anywhere, that “account information storage area 610” includes a buffer size that describes a number of characters that a mobile device can receive on input without loss of data. In col. 9, lines 64-66, Liao indicates that area 610 “stores account, configuration and other information,” but says nothing of the buffer size of a mobile device. In col. 10, lines 31-38, Liao says that area 610 “can store service limitations, security limitations, preference information, screen configuration information, and the like for each of the remote wireless browsers 620 . . . [and] data or pages of data that are of interest to the remote wireless browsers 620.” None of this data that can be stored in area 610 is “a buffer size describing a number of characters the mobile device can receive on input without loss of data.” These are the only portions of Liao that refer to area 610. Therefore, Liao never discloses, anywhere, that “account information storage area 610” includes a buffer size that describes a number of characters that a mobile device can receive on input without loss of data.

Liao indicates, in col. 4, lines 55-56 and elsewhere, that a wireless data network, particularly one in which the SMS protocol is used, is limited to maximum packet sizes of 140 bytes. However, this is a limitation of the **network**, and **not** a limitation of the **buffer size** of any **mobile device**. The fact that the size limitation applies to the **network** (and not the mobile device) is made abundantly clear, for example, in col. 5, line 1 (“limited in size **due to the wireless network**”), in col. 5, lines 3-4 (“there is a maximum packet size **for use on the wireless network** 104”), in col. 5, lines 23-24 (“a maximum packet size **for the wireless data network**”), in col. 6, lines 9-10 (“maximum size corresponds with a maximum packet size **for a wireless data network**”), in the Abstract (“fragmenting a message for transmission over a

network (e.g., a wireless data network”) that supports only a limited size message”), and in col. 1, lines 31-33 (“A wireless network, however, has a pre-defined or maximum message size that it is able to transmit efficiently through the wireless network”).

The limitations of the wireless network do not imply any limitation on the size of messages that the recipient mobile devices can store in their buffers. Indeed, Liao indicates that mobile device 106 **re-assembles** sub-messages (each one being up to 140 bytes) **to form the original message** (over 140 bytes) (col. 5, lines 12-14). In order for mobile device 106 to perform this re-assembly of the original message, mobile device **must** be able to store **more** than one 140 byte sub-message. Thus, the message size limitation is a limitation **only of the wireless network**, and **not** of the **buffer of the mobile device**. Furthermore, the message size limitations of the wireless network have nothing to do with the data stored in Liao’s area 610 (the alleged “device profile information”). Liao’s area 610 does not indicate information about the message size limitations of the wireless network.

Therefore, Liao fails to disclose **“the device profile information includes a buffer size describing a number of characters the mobile device can receive on input without loss of data”** as recited in Claim 3.

Liao also fails to disclose **“determining, based on the device profile information, whether the first data exceeds a capacity of the mobile device, wherein the capacity is based on the buffer size”** as recited in Claim 3. As is clear from the discussion above, Liao’s splitting of messages into smaller sub-messages has **nothing to do** with the capacity of the mobile device or the buffer size of the mobile device; the message splitting is performed solely

due to the limitations of the wireless network. Thus, even if Liao discloses some determining of whether a message exceeds a size permitted by the **wireless network**, Liao does **not** disclose “determining, **based on the device profile information, whether the first data exceeds a capacity of the mobile device, wherein the capacity is based on the buffer size**” as recited in Claim 3.

Claims 4 and 5 also each recite at least one limitation that pertains to the capacity of the mobile device. For example, both Claims 4 and 5 recite “determining, **based on the device profile information, whether the first data exceeds a capacity of the mobile device.**”

Because Liao is concerned only with whether messages exceed the maximum size allowed on the wireless network, and **not** with whether those messages exceed some capacity or buffer size of a mobile device, Liao fails to disclose, teach, or suggest this feature of Claims 4 and 5.

For at least the above reasons, Claims 3-5 are patentable over Liao under 35 U.S.C. § 102(e).

Remaining Dependent Claims

The pending claims not discussed so far are dependent claims that depend on an independent claim that is discussed above. Because each of the dependent claims include the limitations of claims upon which they depend, the dependent claims are patentable for at least those reasons the claims upon which the dependent claims depend are patentable. Removal of the rejections with respect to the dependent claims and allowance of the dependent claims is

respectfully requested. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

CONCLUSION

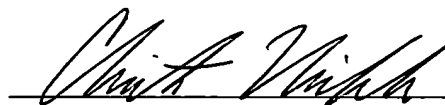
For at least the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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